

DT14 Rec'd PCT/PTO 13 OCT 2004

FORM PTO-1390 (Modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 5-93)		ATTORNEY'S DOCKET NUMBER 085449-0152
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) Unassigned 10/511037
INTERNATIONAL APPLICATION NO. PCT/EP03/04039	INTERNATIONAL FILING DATE 04/17/2003	PRIORITY DATE CLAIMED 04/17/2002
TITLE OF INVENTION Smac-peptides as Therapeutics against Cancer and Autoimmune Diseases		
APPLICANT(S) FOR DO/EO/US Klaus Michael Debatin et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. <input type="checkbox"/> The US has been elected (Article 31). <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> <input type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input checked="" type="checkbox"/> A copy of the annexes (amended claims) to the International Preliminary Examination Report. 		
Items 11 to 20 below concern other document(s) or information included:		
<ol style="list-style-type: none"> <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. <input checked="" type="checkbox"/> A preliminary amendment. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. <input type="checkbox"/> A substitute specification. <input type="checkbox"/> A power of attorney and/or change of address letter. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825 <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). <input type="checkbox"/> Other items or information: 		

O. (If known, see 37 C.F.R. 50 Unassigned 10/511037) INTERNATIONAL APPLICATION NO. PCT/EP03/04039	ATTORNEY'S DOCKET NUMBER 085449-0152			
21. <input checked="" type="checkbox"/> The following fees are submitted:	CALCULATIONS	PTO USE ONLY		
BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5):				
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1,110.00				
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....\$950.00				
No international preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO\$790.00				
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)\$750.00				
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4).....\$100.00				
ENTER APPROPRIATE BASIC FEE AMOUNT = \$ 950.00				
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)) \$ 0.00				
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total Claims	22 - 20 =	2	x \$ 18.00	\$ 36.00
Independent Claims	2 - 3 =	0	x \$ 88.00	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 300.00	\$
TOTAL OF ABOVE CALCULATIONS =			\$ 986.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.			+ \$ 493.00	
			SUBTOTAL = \$ 493.00	
Processing fee of 130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			\$	
TOTAL NATIONAL FEE =			\$ 493.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 40.00 per property			\$	
TOTAL FEES ENCLOSED =			\$ 493.00	
			Amount to be refunded:	
			charged:	
a. <input checked="" type="checkbox"/> A check in the amount of \$ 493.00 to cover the above fees is enclosed.				
b. <input type="checkbox"/> Please charge my Deposit Account No. <u>19-0741</u> in the amount of 0.00 to cover the above fees. A duplicate copy of this sheet is enclosed.				
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0741</u> . A duplicate copy of this sheet is enclosed.				
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.				
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.				
SEND ALL CORRESPONDENCE TO:				
Foley & Lardner LLP Customer Number: 22428				
 SIGNATURE <u>Michele M. Simkin</u> NAME <u>34,717</u> REGISTRATION NUMBER				